

EAST BETHEL CITY COUNCIL MEETING

January 20, 2016

The East Bethel City Council met on January 20, 2016, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington
Brian Mundle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney
Mark DuCharme, Fire Chief

1.0 The January 20, 2016, City Council meeting was called to order by Mayor Voss at 7:00
Call to Order p.m.

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Harrington stated I'd like to make a motion to adopt tonight's agenda. Under the**
Adopt Consent Agenda, I'd like to add Item J., Supplemental Payment Summary. Mundle
Agenda stated I'll second. Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? Motion passes. **Motion passes unanimously.**

4.0 Davis presented the staff report that relates to the Roads Commission Reduced
Presentation Conflict/Superstreet Intersection recommendation.

4.0A

Road The Roads Commission has focused their previous two meetings on gathering information
Commission on Reduced Conflict/Superstreet Intersections as an option to address issues on Highway 65
Reduced locations at Viking Boulevard, 187th Lane, and 181st Avenue.
Conflict

Intersection
Recommend

During these meetings, the Commission has received presentations from Mn/DOT, the Federal Highway Administration, and the Anoka County Highway Department that have outlined how this type of design has performed in Minnesota, Texas, and North Carolina. The discussions reviewed the advantages and disadvantages of this type of design and how it would apply at our particular locations.

Previous information presented to the Roads Commission, traffic counts on Highway 65 and Viking Boulevard, and crash data do not support the justification of a separated grade interchange at this location for the foreseeable future. While the priority for consideration of a separated grade interchange is low relative to criteria used for evaluation, this intersection is still one of the worst on the Highway 65 corridor in terms of its efficiency to move both in-line and cross traffic during peak hours. Future development around and growth north of this intersection will generate additional traffic and require up-grades to improve and enhance the movement of vehicle load at this location and along Highway 65.

In order to address the problems with this intersection, interim solutions are being considered that would improve the functionality until such time that warrants are met to justify a separated grade interchange. As an option, Mn/DOT has presented a Reduced Conflict Intersection Design as a potential solution for the concerns at this intersection

4.0A The East Bethel City Council and local businesses have attended the Roads Commission

meetings that have addressed this proposal. While in the final analysis the Reduced Conflict Intersection Design may be the most practical solution to correcting the problems at Viking Boulevard and Highway 65, the City is still seeking additional information on this type of design as to accessibility to businesses, impact on total traffic flow, and highway safety.

The Roads Commission has discussed this concept at length at their December 8, 2015, and January 12, 2016, meetings. After an involved discussion of the matter at the January 12, 2016, meeting and by motion of Dan Nowack, second by Kathy Paavola, and the unanimous vote of the members, the Roads Commission recommends that City Council consider moving forward with the Mn/DOT proposal to further investigate upgrading the intersection at Viking Boulevard to a Super Street Design and to include the Highway 65 segment from 181st Avenue to Sims Road for possible reduced conflict intersections as part of the project

The Roads Commission is requesting Council consider supporting the recommendation of the Commission that Mn/DOT proceed with evaluations and studies of the Super Street Design for the Viking Boulevard and Highway 65 intersection and incorporate the Highway 65 segment from 181st Avenue to Sims Road as part of the study area.

Davis stated I have a few slides here that will visually demonstrate what the proposal is. This is essentially a signalized J-Turn intersection. *(Davis displayed and described several slides during this staff presentation.)* A good example is the project in Ham Lake at Flamingo and Highway 65. The slide currently shown is an intersection that's in Cologne, Minnesota. If you're looking at this and north is the top of the screen, the four-lane highway, if this would be Highway 65, what it would do is restrict cross traffic movements so you wouldn't have any cross traffic conflicts with 22 traffic and 65 traffic. 22 traffic would have to go north and then go south or go south and then go north to turn around. The premise behind this proposal is that this reduces the wait time between peak traffic flows. Currently, at Highway 65 and Viking Boulevard, in the mornings, and some occasions in the evenings, there has to be three traffic cycles for traffic to move through. So this would definitely improve traffic flow and safety at these times.

Davis stated during non-peak times, the time to get through may be just a little bit longer. That would be one of the disadvantages. However, the safety factor would be greatly improved. Most of the traffic on 65, 87% of it, is either going north/south or making turns off 65. There's only, approximately, 13% of the traffic that's going across 65.

Davis presented the next graph that shows the wait times or at least a percentage of times. The graph on the far right, where it says, 'signal timing four phase' shows what currently exists now. The green is the through traffic time north/south on 65. So, with all four phases that allow the movements through the intersection, you can see that less than half the time is devoted to through traffic. If this intersection were put in as proposed and signalized, it would be the graph on the far left where it says, 'signal timing two phases,' which greatly improves the flow of traffic north and south and it also allows for more continuous movement of Highway 22 traffic that's going north and south also.

Davis stated again, you can see some of the movements here. If you're going on Highway 65, if you're traveling north, there would be opposing left turn lanes to go west on 65. You can still go left on 22, turn right on 22. These movements would not be restricted. The basic movement restricted would be the cross traffic, 22, going across 65.

Davis stated one point that is illustrated in this slide is, where the actual J-Turns or the U-Turns occur, there can't be any entrances within 100 feet of either direction. In this case, that would not interfere with the entrance to any businesses along this portion on the 22 section for East Bethel.

Davis stated at Cannon Falls, they constructed a separated grade interchange, and found out that this was actually a deterrent to business. There have been reports that these J-Turn intersections do actually improve access. That's one thing that we want to make sure that we get some further documentation on.

Davis stated this next slide is a photograph that I think generated some concern initially in how are big trucks going to turn at these types of J-Turns or U-Turn intersections. The photograph that you see here shows that there's a large truck with a trailer that's making the turn. In this case, they had to put what's called a 'bulb,' which is an extra width of pavement to make this turn. But remember, in our situation, our median width is 100 feet wide. Here there is essentially no median. So, if you look at the lane on the right side and you see where there's a turn arrow, right here, this would be like the left turn. If you start at this edge, you go over another 100 feet before you even hit the other edge of our pavement. So our south travel lane would be over here. The turning of large trucks is not going to be the type of problem you have where you have restricted median widths.

Davis stated these are just a few of the things that the Roads Commission looked at. Again, there are several examples in the State of Minnesota where these have been installed. However, all the ones in the State to date have been un-signalized. This would be the first one, if it were installed, that would be a signalized intersection.

Davis stated the proposal that's under consideration for this intersection would be one that's signalized. Part of the proposal, the Roads Commission, is that this whole corridor be looked at as a component of the plan and not just the intersection at 22 and 65. It's felt that if you just do 22 and 65, you're introducing more traffic south, which reduces gaps for traffic to enter. If this isn't done as an integrated plan, it's not going to have much impact. The Roads Commission is recommending that City Council endorse their recommendation and request that Mn/DOT proceed with the evaluations and the study of this type of intersection to address our issues from 181st Avenue to Sims Road.

Voss asked is there a motion based on the Roads Commission recommendation? **Ronning stated I'll move to adopt the Roads Commission recommendation supporting proceeding with Mn/DOT for evaluations and studies of the Superstreet Design for Viking Boulevard, Highway 65. Koller stated I'll second.** Voss asked any discussion?

Ronning asked Mark, this is a State and County highway, correct? What's our authority in this? Vierling advised both Statute and usually Mn/DOT Rule require some local input with regard to the process whereby these improvements are made on the surface of the roadway. But the improvement cost and the directive to do that is largely at their level. But you do have input in terms of their decision on the matter.

Ronning stated input's one of those things that you can tell somebody something and they can turn their head and look the other way. But that's something that people should know that we're not in control of this thing. That big truck with the excavator, if you see where his problem was, it's the apex of the corner. The corner might go around like this but then if they've got to make like a sharp at the end of the corner, that's where the problem is.

4.0A

Road
Commission
Reduced
Conflict
Intersection
Recommend

Voss stated well, and that one though, the median was only 25 feet wide. Ronning stated go back to that thing please. The other back. *(Davis displayed the photograph of a semi-truck and trailer making a turning movement)*. Ronning stated right there, see the point he's got to make to finish the turn, that apex, that's a 90 degree, which would be the same here because there's room for an arch, for a radius instead. Voss stated right. Highway 65 is as wide as all those lanes of traffic. Ronning stated right. Voss stated both the broader part. Ronning stated what won't change, though, if the apex is, the point where he's trying to get around, if that's anything, he's got to make a 90 degree turn there no matter how the rest of it's constructed.

Davis stated in this case, the turn radius, if these lanes were 12 feet, there's about a 30-foot radius. And, in our situation, he's going to have probably a 50- to 60-foot radius. His turn radius is going to be doubled. Again, where the cursor is would be about where the inside pavement of the southbound lane would be with our 100-foot divided median. And, it would go to the left another 36 feet.

Davis stated one of the advantages to the location here for this type of design is the wide median width, which is going to accommodate the turning of larger vehicles much easier than the situations that are shown on this photograph.

Ronning stated during these two meetings that are referred, referenced, there's a number of concerns have been raised. If they're looking at five of them, four for pretty sure, and if that volume of traffic increases, you can't get on some of these roads without a light. We've explained that, we've expressed that, emergency vehicles getting across, what they're going to do about that. It's been discussed and I think they're on-board.

Davis stated the other attractive feature to this is in terms of costs and the value added to address the situation. This is a very low cost project for Mn/DOT because there's no right-of-way acquisition. There's no obstructions that they really have to deal with. It's just essentially adding signals, turn lanes and some lighting. The estimated cost is about \$1 million. But to do a conventional double stacked turn lane with opposing lefts, traffic lights, and the four-lane approaches on both sides of 22, they would estimate costs maybe three to four times that. One of the problems, if you do the opposing turn lanes, is that you have to have four lane transitions on 22. Four lane transitions on 22 may actually inhibit some of the access to some of the commercial property that we hope will be developed in the future. And, I think from that standpoint, the reduced conflict intersection improvement may actually enhance that northwest corner of 22 and 65.

Davis stated as with anything, nothing is perfect. Again, the disadvantages of this are at non-peak hours. If you're at 22 and you have to go north to go south, it may take you just a little bit longer. I've had reports from some people that travel 22 in the mornings that they actually go north and drive up to Central Wood Products and do a U-Turn at that crossover and come south. Then when they come through the traffic light, they look and cars that have been queued up in front of them are still there. I think that's kind of a good example of how this would work. And, in this case, the turn around would be approximately 700 feet from the intersection, which is quite a bit shorter than that distance.

Davis stated from what's been presented, this does appear to have some value. I think the first time that everybody looked at this, they said, 'No way this will work.' But I think upon examination, I think it's looking more like a more realistic solution as we proceed

4.0A

further.

Ronning stated from this example, there's no slow downs, no real anything. The other one has, I'd say, is there something that shows the stoplight deal? Davis stated I have the simulation model if you want to see that. Voss stated yes. (*Davis displayed the simulation.*) Ronning stated so it kind of looks like a 'free for all' without some controls in there.

Davis stated this is just a graphic simulation of how this intersection would function There would be synchronized lights at all these J-Turns and the main intersection itself. As you can see from this, if you're in this lane and you want to cross over and go north, you're going to have to come down, turn around, and come back in this direction. Mn/DOT states that the time to do this would be greatly reduced, especially during peak hours. There would be lights at all three of these little intersections and they would be synchronized and this would enhance movement and the flow of traffic through this intersection.

Davis stated and again, this is probably some of the same concepts that may be looked at 187th and 181st. Whether those would be signaled at this time remains to be seen. And, also, once this is done it may be identified that 187th has more priority than 22 and 65. Again, that's yet to be determined and would be borne out in the study.

Voss stated so what we've been asked by Roads Commission is to ask Mn/DOT to proceed with evaluation. What I remember from the last Roads meeting discussion was they were looking at doing more evaluation, more study, to answer some of the questions we had about increased traffic, what the effects would be, about including the other intersections north and south. Davis stated that's correct and, hopefully, we would be able to get more information too as to how the synchronization of the lights would work, the timing of those, maybe some more information on what the wait time would be at the intersection so you could do a comparison of what this would do as compared to what we have now. I think it will produce more data so that a decision can actually be made as to how you wish to proceed with this.

Davis stated in relation to your question a moment ago, Tom, this is a Mn/DOT/County project. I think that from the standpoint of implementing this if it's to proceed, that Mn/DOT would really prefer to have everyone on board. The Federal Highway Administration would be the major funding source for this. They fund the project through Mn/DOT. I think they're anxious to do this project. That would be the other advantage of it. This project would be essentially ready to go as soon as they completed their engineering and environmental studies.

Davis stated again, there's no right-of-way acquisition and they would keep everything within the current right-of-way. So, if this is something that does prove to be of value, this is something that could probably be implemented and done within, hopefully, within two years. That would be probably the fast track on it.

Davis stated one of the things that we would want to do, especially at 187th Avenue, is we have to be very careful and we would probably have to discuss with Mn/DOT that we don't want to give away our rights of doing a restricted movement in that intersection and not being able to get anything back in terms of a Cooperative Agreement Grant for part of our service roads.

4.0A
Road
Commission
Reduced
Conflict
Intersection
Recommend

Harrington stated as far as costs, I think Mn/DOT said it would cost nothing or hardly anything for the City but I've heard, and when they did 221st, that the City did have to spend some money on that for the transformer and the lights. Would that pertain down here? Davis stated it very well could but that wasn't a Mn/DOT cost. That was related to the County's cost. We have a Joint Powers Agreement with the County on signalizations so every intersection that's been signalized in East Bethel, we've had to pay a portion. That's because of our obligation to the County in our JPA that we have with them that requires us to do certain minimal things. I think on 221st, when that light was put in, that was a little over \$1 million project and we paid about \$35,000. Plus, we're also obligated to pay for any electrical bills for operating the lights at the intersection.

Davis stated one other thing that was pointed out at the Roads Commission that I thought was a good point is that this intersection also would be a great visual improvement over what we have now. There would be lights at the 22/65 that would be upgraded plus this thing would be lighted up to the J-Turns on both the north and the south sides. I think it's a project that's definitely worth further investigation and it may be something that we can get done sooner rather than later, would address a lot of things about our traffic flow even our access to businesses and just as important, the safety aspects. As we all know, there's a couple of these intersections that we've been very lucky that we haven't had major accidents. And, the sooner we can implement improvements, hopefully, we'll be able to avoid those.

Voss stated I think for those in the audience, I know there are a few here for this discussion, it's still fairly preliminary. You know, we've talked about having a lot of Roads meetings and meetings with Mn/DOT and with the feds but meetings up to now have been kind of more introductory and to make sure we understand the concept. Where Mn/DOT wants to go with this is to evaluate it further. Again, this is the first, they've done these in the State but this is the first one that's signalized so it's a little more sophisticated.

Voss stated in the meetings we've had, we've made it very clear to Mn/DOT and everyone that we want to make sure that there's a very strong and visible public input function of this whole process. Meaning that there's enough presentation, enough information out, and it's presented to the public. And, more importantly, that the public input gets back into the Mn/DOT process. So, this is one of the just real early steps, that's the way I would look at it. I think come, I thought they said like April or May, is when they'll start to make a little bit more decisions and maybe get together again.

Davis stated we're also very fortunate too that one of the people that works for Mn/DOT at the Roseville office, she's the manager for this district, Ms. Sheila Kaupe, is also an East Bethel resident and she was here at our last Roads Commission meeting. She was going to attend tonight. She sent me an e-mail that something came up. She couldn't make it tonight. But when she's here, she's worn 'both hats.' A 'Mn/DOT hat' and a 'resident hat' so she's been very beneficial in this whole process of evaluating this proposal.

Ronning stated those J's, they're estimating about 700 feet away from the intersection. Just general information. But another thing I don't think hurts to say, anyhow, I believe the Council was at one or both of the Roads Commission meetings to familiarize ourselves with it. And, the Roads Commission, I believe, understands that this impacts tens of thousands of vehicles a day. And, we won't forget that either. I can't speak for anybody else I guess but that kind of goes without saying that there's tens of thousands of vehicles a day that, trying to help get through someplace safely.

4.0A

Harrington stated I'd like to ask the opinion of Mark, the Fire Chief. What's your opinion of the Fire Department on this? You know, for emergency vehicles getting from the east side to the west side?

DuCharme stated thank you Council Member. The biggest concern that the emergency services, in general, will have is access as far as crossing 65 and 22 whether it be eastbound or westbound. And, I think through the design phase and what I've heard, that is going to be remedied. You know, we won't be able to go 65 miles and hour, through the intersection, which we don't anyway as far as the fire goes. But we will be able to make that, cross that, without having to go up to the J's and come back.

DuCharme explained the biggest concern about that would be, as far as fire goes, is people who live on the west side of 65 getting to the Fire Station if there's an incident. And, interesting enough, is that right now when they sit at the signal, especially in the afternoon or morning, they sit there for a long time. A couple of the responders have said that they actually think this will be a faster response for them, you know, taking the right hand turn, going up on the J, and coming back and taking another right turn. But, I'm sure law enforcement and EMS has the same concern, being able to make that travel through on 22 across 65. And, it sounds like there will be some remedy there as far as design goes.

Davis stated as far as design goes in the intersection, what we've been told, is the curbing here that actually prevents, or restricts the median cross traffic will be designed as what's called a 'surmountable curb,' which means emergency vehicles can actually drive over it. You have to slow down just a little bit. And also, there would be opti-cams at the intersection too that would control the lights and stop the traffic. So, just like any other intersection where we have these installations, it would stop traffic for emergency vehicles automatically and they would be allowed to cross the intersection as they currently can.

Davis stated they have a fairly good track record or history of showing what they've done in other places that allows emergency vehicles to pass through the intersection relatively unobstructed without having to go up and do the J-Turns. And, as Mark said, for those fire fighters especially that live on the west side of 65, if they get queued up early in the morning for a fire and get called out and have to sit through two or three traffic lights or weave their way around, it's probably quicker for them to go south 700 feet, do a U-Turn, go north, and then head on to the Fire Station.

Voss stated what wasn't shown on the simulation was, and we talked to Mn/DOT about it, is the ability to turn on a red. They're going to look at that as well because the simulation basically held all the traffic. But just like we can now, you know, right turn on red should be allowed. Which, for someone trying to get across, they can still keep moving at least. Davis stated right on red would be an allowable movement in these intersections.

Voss stated okay, thanks Mark. Any other discussion? Hearing none, to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Voss stated the discussion will continue, thanks for being here.

Davis presented the staff report indicating it relates to an Administrative Hearing, Chapter 2, Article 10, Section 2-590, Thomas Middleton, 20026 Naples Court NE. Mr. Thomas Middleton, 20026 Naples Court NE, requested an Administrative Hearing on the matter of the issuance of a notice of a non-compliant septic system by the City. The Hearing was held on January 6, 2016.

After Mr. Middleton's presentation at the January 6 Hearing, Council informed Mr. Middleton that the City performed their obligations in the matter and Mr. Middleton's recourse was to address his concerns with the contractors that installed his septic system.

Mr. Middleton has apparently resolved the issue with his installer. A new septic drainfield will be installed but due to weather conditions, the installation cannot begin until spring. Mr. Middleton or Mr. Middleton's title company will post an escrow amount equal to 125% of the cost of installing the new drainfield and these funds will be used to pay the contractor. Any excess funds will be returned to the depositor.

As this matter has been resolved with no cause of finding, staff recommends that City Council re-open and conclude the Administrative Hearing for Mr. Thomas Middleton, 20026 Naples Court NE, which was tabled at the January 6, 2016, Council Meeting.

Voss re-opened the Administrative Hearing for Mr. Thomas Middleton, 20026 Naples Court NE, at 7:33 p.m. There being no input, the Administrative Hearing was closed at 7:33 p.m.

Mundle stated make a motion to close the Hearing. Voss stated no, we need a motion to approve or deny. Mundle stated okay. **Mundle stated motion to deny. Koller stated I'll second.** Voss asked any discussion? Hearing none, to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Davis presented the staff report indicating this Hearing is to determine if a Potentially Dangerous Dog Determination issued by the City Administrator to Kenneth and Pegijo Sylvester should be maintained, modified or removed.

The hearing relates to a threatening dog incident that occurred on December 13, 2015. The Anoka County Sherriff's office reported that a mixed lab/retriever owned by Kenneth and Pegijo Sylvester approached in a threatening manner, in the public right-of-way, in front of 22543 7th Street, a dog owned by Scott Snyder.

Since the incident was unprovoked, off the owner's property, and not under control by the owner, and as reported and cited by the investigating Deputy as a potentially dangerous dog pursuant to Chapter 10 of the City Code based on the incident report, a Potentially Dangerous Dog notice was issued relating to this incident. A review of City records indicates that the Sylvester's dog was not licensed at the time of the incident but the owner obtained the license on December 31, 2015. The dog was current with its rabies vaccination.

Potentially
Dangerous
Dog
Hearing

Potentially Dangerous Dog, per City Code, means any dog that:

1. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
2. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or,
3. Has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

The owner of the dog has submitted a written request to appeal the decision of the Potentially Dangerous Dog Declaration. Pursuant to City Code Chapter 10, Article II, Dogs, Subd. 3, an animal owner is allowed to contest the Potentially Dangerous Dog Determination. In this case, the Sylvesters, the animal's owners, have requested a hearing before Council.

Per City Code, Chapter 10, Section 10-72, the owner is to be granted a hearing before the City Council. The Sylvesters are present tonight to appeal the determination that the dog in question is a Potentially Dangerous Dog.

The City Council, pursuant to Section 10-72, has several options regarding this matter:

1. Conduct the hearing allowing the owner to present reasons why the Potentially Dangerous Dog Determination should be lifted or sustained.
2. If the Potentially Dangerous Dog Determination is sustained, identify the action to be taken.
3. If the Dangerous Dog Determination is not sustained, make a determination that the animal is to be released without further action from City Council.

The following requirements, per City Code, are listed to be considered for this event. Staff recommends Council conduct a Hearing relating to the Potentially Dangerous Dog Determination and issue a decision regarding this incident pursuant to Chapter 10, City Code, Animals, Article II. Dogs, Division 3.

Voss stated we'll open the Hearing, Potential Dangerous Dog Determination, at 7:37 p.m. Anyone here tonight to present or discuss with Council, you're welcome to come forward. Yes? If you could state your name and address for the record please?

Ken Sylvester stated Ken and Peg Sylvester, 22543 7th Street NE, East Bethel. We're just here in defense of the dog. We wrote a little letter but I don't know if that really pertains to what we're trying to get accomplished here. We really feel that the whole incident turned about by two dogs in the road and one dog on the property barking at each other and they went out to greet each other. And, in the turn, there was really no aggression shown by either side, their dog or our dog. The only aggression was when somebody tried to kick the dog before it was even close enough to reach.

Ken Sylvester stated we've got a deposition by our other neighbor stating that he's been in contact with the dog, he also has dogs, which states he sees no aggression in that dog at all. I'm here just to tell you I've never really seen a dog that's been trained and mannered more than he has been. You can't even get the dog itself to tussle. As soon as you get anything that he believes is a little rough, he wants to quit right away. It's too bad we couldn't have

Potentially
Dangerous
Dog
Hearing

brought him here and shown you because we don't think it's correct. I don't know how else to prove this because it's really their word against ours. That's why the neighbor wrote this letter in Gus' behalf.

Voss stated okay, in terms of the incident, were you present? Ken Sylvester stated I was in the garage and she was present.

Peg Sylvester stated I walked out of the garage as, my son had walked out first. I had walked out right behind him. And, Gus, they were barking at each other and Gus went down. We've walked past their house before and I'm sure it was more like, kind of like, 'Hey, I know you. You know me. You know, let's meet.' I feel the only person that, or the only thing that showed aggression was the kicker. The dogs were appropriate and we were right there. There was no cause to kick. I walk Gus every day and there's dogs that come out. I know how to walk a dog. I grab him close and I keep going. Their owners are there. I don't feel the need to kick at a dog and I'm, you know, saddened by it.

Voss asked when you say you were there, how, was the dog up at the house? Peg Sylvester (*using her hands to gesture*) stated our garage is here, our house is here, our driveway is here. So I walked out just, you know, out the garage door onto the driveway. And, we have an underground wire containment. I mean, and he does wear the collar.

Voss asked did he go past his containment? Peg Sylvester stated he did and we have it on the highest one now. I mean he had responded to the lower one prior. So, we didn't think we needed it on the higher one. I adopted him from a co-worker. He's a very sweet dog and doesn't deserve this title at all.

Voss asked when the incident started, was the dog near you? Peg Sylvester stated no, he was by my car. I was, my car was parked in the driveway here and I was coming out here, and he was back here. He had come out the garage with us and Eric and was there before we could get there. Voss stated okay. Peg Sylvester stated but Eric was right there and he had the dog back up the driveway almost immediately.

Voss asked did your dog 'bolt' out there? Peg Sylvester stated well, he ran out there, yes. He ran out there but there was no growling from any of the dogs. No growling, no sign of aggressions from the dogs. They barked but that's what dogs do. I mean, there was no sign of aggression. It's unfortunate, that was a very unfortunate situation that happened.

Ronning stated I believe you indicated that the dogs knew each other? They're familiar? Peg Sylvester stated no. Ronning asked they go back and forth? Peg Sylvester stated yeah, I walked past there. Ronning stated in that regard. Peg Sylvester stated yeah, yeah. They've seen each other. They've barked at Gus and when we walk by, you know. I don't know how much dogs (*inaudible*).

Ronning asked when you go by, does the other dog bark at yours? Peg Sylvester answered yes. In their yard, yeah. Ronning asked do you think anything of it in particular? Peg Sylvester stated I just grab his, well, no. I grab Gus and bring him on the opposite side and keep walking like I've always been trained to do. Ronning asked what about that letter? Voss stated if you'd, the letter is from a neighbor? Ken Sylvester answered yeah. Peg Sylvester stated our very next door neighbor. Voss stated if you'd like to read it, that's fine if you'd like to read it. Peg Sylvester stated I can read it.

4.0C

Potentially
Dangerous
Dog
Hearing

Peg Sylvester read the letter stating:

This is a character reference for Ken and Peg Sylvester and their dog Gus.

I have met Gus four times since the Sylvesters acquired him. Each time Gus has only shown passive behavior towards me and my dogs. Each time Gus' only response was to wag his tail. There was no aggression visible.

The first time my dogs and I came into the Sylvester's property, my dogs were barking and ran up to Gus. He waited for them to approach with his tail wagging and the dogs proceeded to smell each other. When completed, went about their own business.

The second time my dogs and I came into the Sylvester's property, my dogs did not bark. The dogs just greeted each other. The remaining two times, I was unaccompanied by my dogs and Gus showed no aggressive behavior, only curiosity. Gus came up to me, smelled my hand, and allowed me to pet him.

We have been neighbors for a number of years and find the Sylvesters to be responsible neighbors.

Peg Sylvester stated and then he has his phone number. Voss asked can you state the name, that person's name? Peg Sylvester stated yes, Gary Lossing at 22514 7th Street NE, East Bethel.

Voss stated okay and asked can we get a copy of that? Peg Sylvester answered absolutely. Voss stated just so we have it for the record. Okay, thank you.

Davis stated this is a photograph of the property and the address at 22543 7th Street. Voss asked that's your place? Ken Sylvester answered yeah.

Peg Sylvester stated according to the Sheriff, or Officer that came to the house, he even reported that Gus is a friendly dog. Voss stated we have copies of the Officer's reports. Okay.

Ronning asked are you able to indicate approximately where the two animals were in relationship to the road, the driveway? Peg Sylvester stated probably where you see the first wear on the road, you see that the second wear, right there. The wear spots? Voss stated right. Ken Sylvester stated right outside the driveway. Ronning stated pardon? Ken Sylvester repeated right outside the driveway, just on the driveway side of the road, I believe it was.

Ronning asked out in the middle of the road? Peg Sylvester stated it was closer to that, I don't know maybe you can't see the wear spots like I can see them, but it was closer to the second wear spot. Ken Sylvester stated close to the center is what she's saying. Peg Sylvester stated basically the center, a little on our side of the center.

Ronning asked at the time it was accompanied by your son Eric? Peg Sylvester stated well, Eric was right behind him, yes. I mean actually right behind him. Ronning asked behind like you two? Or us? Peg Sylvester stated probably... Ronning stated that's part of control, I think. Peg Sylvester stated probably like, that you're my dog Gus, there's probably like right, can I step out? Ronning stated yeah. (*Peg Sylvester stepped between the Council dais and public podium, off camera.*) Peg Sylvester stated probably like right (*inaudible, off mic*) up the driveway at that point. Ronning stated thank you.

4.0C

Potentially
Dangerous
Dog
Hearing

Voss asked any other questions for Sylvesters? Anything else you want to add? Peg Sylvester stated I think that's it, yeah. Voss stated okay, all right, thank you. Anyone else here tonight on this matter that would like to speak? If you'd like to come up to the microphone.

Scott Snider stated my name is Scott Snider. I live at 22394 7th Street NE. I'm the one who, that kicked at the dog. Voss stated okay. Scott Snider stated actually, the incident happened (*Scott Snider walked away from the podium and off mic*) at this point here. It was on the other side of the driveway. We were walking this way. Now, we walk our dogs every, and we have had the dog run out to the property line before and bark. I've been walking my dogs for 15 years. I've been bit. My dogs have been bit. This was now nightfall when this happened. All I know is I'm walking along, my wife and I and our two dogs, that dog came running out barking. Once it came across the street at us, and it's dark, I have no choice. I've got my wife and two dogs and I'm trying to protect every one of them plus myself. I don't know this dog. I don't know its intentions. Took a kick at it. I missed it. Next thing I know, I was in an ambulance headed for the hospital.

Voss stated I think the report, the discussion was the dogs were barking at each other before this happened. Were your dogs barking? Scott Snider stated I probably wouldn't have been so cognizant of barking because barking is really inconsequential. Once the dog left their property and crossed the street to our side, I was no longer listening. Voss stated sure, no, I understand.

Voss stated their dog's a Lab mix. What breed of dogs? Scott Snider responded Collies, both of them. Voss stated okay.

Scott Snider stated just so you're clear, our intention here is not, was never, to put the dog down, so to speak. We just wanted to come here and make sure the right thing was done for the dog. Voss stated okay. Scott Snider stated we've always been dog owners, forever, and we just like them and we didn't want to see this one harmed. But at the same token, lots of people in our neighborhood walk their dogs every day. I didn't want to see this happen to anybody else. Voss stated sure. Scott Snider stated accidental or not, it doesn't matter.

Ronning stated she said that her son, Eric, was fairly close behind. Did you see that? Scott Snider stated I'll be honest with you, I do remember people coming from the house but my focus was on the dog. Ronning stated but you can't say they weren't there. Scott Snider stated oh, I know they were behind the dog. Ronning stated yeah. Scott Snider stated yeah. People were coming out when the dog was barking. Yes, I saw someone come out of the garage and someone come from the house.

Ronning stated there's nothing in the record about anything beyond barking. Are you suggesting there is or isn't? Scott Snider stated I, like I say, at that time I couldn't really tell. I just know that the dog, their dog was barking and it crossed the street. Past that point, now, I'm not listening to barking any more. I'm looking and watching all the movements.

Voss asked so was there any contact with the dogs? Any biting? Scott Snider stated you know, to be honest with you, after I kicked and I came back down, hit the ground, I can't tell you what everybody was doing after that. I was in a lot of pain.

Voss stated and your wife was there, on the walk too? Ms. Snider responded yeah. Voss asked did you witness the dogs fighting? Ms. Snider stated no, no, no, no. They didn't,

Potentially
Dangerous
Dog
Hearing

they didn't fight at all. It was, you know, barking and so forth. I hadn't seen the dog before. I think that it's the dog that they've recently gotten. Scott had seen him before. I hadn't. Voss stated okay, well, I just wanted to make sure. I mean, the police report doesn't suggest it at all. I just want to make sure we're all clear there was no biting.

Ms. Snider stated no but when you have three excited dogs and we're trying to hang on and, you know they were just kind of twirling around on us and it was a mess. Voss stated I can imagine, I can imagine. And, I've been in that situation too where dogs coming running down a driveway and you're in defense mode there. So, okay. Any questions for the Sniders? Anything more you'd like to add? Scott Snider stated I think that's it. Voss stated okay, thank you. Is there anyone else here tonight to speak to this matter? If not, we'll close the hearing.

The Potential Dangerous Dog Hearing was closed at 7:51 p.m.

Voss stated to me this one is a little bit unique. Now there's no contact made. It appears that the animal had control, or was within a wired fence. Just that dogs will run through that. I know that happens. So, it's a little unique. Thoughts?

Mundle stated well, under the definition Potentially Dangerous Dog, under #2, the last sentence is: 'In an apparent attitude of attack.' Was this dog in an apparent attitude of attack? Or, was it acting as a normal dog and the only thing it did wrong was step off its property? Voss stated that's a good question.

Ronning stated yeah, there's no contact to indicate such. The other two items that I would say that we're supposed to consider, 'When unprovoked it inflicts bites on a human or domestic animal on a public or private property.' And, that didn't happen. The other one is, 'Has a known propensity, tendency, or disposition to attack unprovoked causing injury or otherwise threatening the safety of humans or domestic animals.' I don't think I've heard, well there's no record to indicate propensity or tendency. Voss asked Jack, there's no past records? Davis stated not that we were provided with. Ronning stated so I don't think that one fits either.

Voss asked Mark, under those points, I mean it's, to me it's a bit subjective. The dog running down and thinking it's going to do something when it obviously was a situation there was dogs. If it was going to attack a person, there's a person on the ground, I'm glad it didn't happen but the dog, to me, if the dog truly had an intent of attacking somebody, why didn't it. And so if it was just excited, how can we, how can anyone say that was going to attack. I don't know.

Vierling advised you're right in the sense that it is a subjective finding that the Council needs to make with regard to what the intent was or what the actual incident was. But, I think it is probative to the fact there was no biting or attack that happened after the gentleman fell down, which was unfortunate, that he fell down at least. But, the fact that nothing prevailed after that in terms of an event that would clearly, neatly fall into one of those categories, I think, is probative on the issue.

Voss stated the observation I had, I'll add, is we've got quite a few bigger dogs in the neighborhood and route that we walk and we know they have electric fences and just about all of them will come darting down the driveway barking and they know where their fence is. Because we know the fence is, we know they're going to stop. We actually kind of joke

Potentially
Dangerous
Dog
Hearing

about it. And, in this case, the dog just went right through it. And, the dog may have been surprised that he got through it too. I don't know. But, you would think, for as many people, and you've got a fairly busy neighborhood too, is for that many people who walk through there you'd think this would have happened before. So, I think, to me, with what Mr. Snider said is we certainly don't want this to happen in the future. And, that's really the intent of having this Ordinance, is to make sure it doesn't happen in the future. And, the remedies that we have, and the one we use most common, is to make sure the dog's restrained. And, by our definition, 'restrained' means either a leash, a kennel, or a wireless fence, which this property has. And so it's really not anything we can add to that. Some of the administrative things, having the dog licensed seems like that was done after-the-fact but it is licensed. In terms of preventing this from happening in the future, I'm a little bit of a loss because we can't add another wireless fence, you know.

Koller stated I had wireless fence with both of our dogs and they would know when the battery went dead in the collar. They get near the fence and it wouldn't beep, they'd know and they'd cross the line then. Yeah. So, we just had to make sure the batteries were good. Voss stated well, I've got neighbors that've got the same problem too. You kind of know when the batteries are dead.

Ronning stated I tried to understand this scene a little bit. It was night. It sounded like it was a dark night. I've experienced that where the dog comes out. Mine would do that, little Westies, but they're wagging their tail all the way. The one would like to lick you. So, as you say, it's completely subjective as far as if an animal come towards you at night, you're going to think differently, probably, than during the daytime. But it doesn't mean any harm was committed. In fact, the way it sounds, there was no harm.

Voss stated well, there was no harm by the dog's actions. Ronning stated right. Voss stated there was an outcome that wasn't anticipated by anyone, I think, so that was unfortunate. Mark, do we have, you know, we've had this issue in the past of, if we want to make sure, the City wants to make sure that there's controls that are placed. Whether it's wireless fences, that's the most common one, make sure it's licensed, make sure it's got shots, is there ways of doing that without actually designating the dog as a Potentially Dangerous Dog?

Vierling advised in terms of licensing and in terms of making sure their shots, you do that through your licensing process. But, in terms of those types of external measures to make sure that the dog stays on the property, you almost have to make the finding either Dangerous or Potentially Dangerous in order to implement that.

Voss stated we have a Leash Law here, right? Vierling advised we do. Voss asked and does that Leash Law include wireless fence as a control? Ronning stated if it's honored and respected like a wire fence, above ground. Voss stated no, I mean within our Dangerous Dog Ordinance we have a definition of controlling your animal, which includes the wireless fence. Where I'm kind of going with this is... Vierling advised it's a measure of being under control. Voss repeated, it's a measure of being under control. And I think that's going to be recognized by any legal recognition. Wouldn't it? Vierling advised in terms of being able to avoid a charge for having a dog run at large, yes. Voss stated yes, that's kind of the angle I'm going at here. I mean, it's almost, to me it's almost allowing your dog to run at large because there was no physical attack. To me it doesn't sound like it's a repeated habitual thing that's been happening.

Potentially
Dangerous
Dog
Hearing

Ronning stated one thing I forgot to ask was if they'd been in that area at the same time before. If it's any kind of a proximity where they'd been back and forth before, or if afterwards. Voss noted Mr. Snider said he's aware of the dog. So, it's a neighbor.

Ronning asked have you walked the dogs past that since? Scott Snider replied no, since then I haven't been able to walk. Ronning stated oh, sorry to hear that.

Ronning stated another, for the heck of it and record, I guess, Officer Nelson in his last paragraph says, 'I observed Gus who appeared to be relatively friendly, though cautious around me. I informed her that,' her probably means the owner, 'that I would be filling out a Potentially Dangerous Dog Form due to the threatening behavior on public property. Form was completed and will be included with the report.' His observation was friendly and the rest of it's probably the way they're supposed to write it.

Voss stated well, I'll say this from past experience, we get that comment a lot from the Sheriff's Department. You know, in that situation a dog isn't necessarily going to be aggressive. To me, most of the incidents we've had in the past is because there were multiple dogs involved and you can't control those emotions. Ronning stated when the people get excited, the animals get excited. Voss stated not necessarily. This certainly wasn't the case here. *(Scott Snider made an off mic comment)* Voss stated yeah, if you could approach.

Scott Snider stated we're missing the point here. I tried to say earlier and I obviously didn't do a good job of it. All I'm here tonight is to see that we do the right thing. Okay? We don't want this to happen again to anyone. So all I wanted to leave here tonight was with some kind of assurance that this isn't going to happen again. When, actually, I'll take you back to the night it happened.

Scott Snider stated the 18-year-old inside my head, when I'm sitting on the ground in a lot of pain thought, 'I'll be fine tomorrow.' I didn't realize what had actually happened to me. When I finally got myself into position where the pain wasn't quite so bad, I turned to Ken and I said, 'Mr. you've got to control your dog.' And the response I got was, 'Don't lecture me.' And that told me right then and there I'm with somebody who isn't interested in protecting people. I don't care if the dog is nice or not. And, I'm willing to bet that if I spent some time with the dog, it probably is friendly. But, I'm trying to tell you that night it was dark and I didn't know.

Ronning stated you have made the comment twice, if not three times, that the right thing is done. What does 'the right thing' mean to you? Scott Snider stated assurances that it can't happen again. If you don't have that authority, then we're wasting our time.

Voss stated well, and that's what I was bringing up. In most cases, in situations to the severity of this case, I'll put it, the most common thing is make sure it's licensed and if it's licensed that means it's got its rabbi's shots so that's one level of protection.

Voss stated the other is to make sure the dog is under control because they have to be, if they're on public property, they have to be on a leash. So, and the way you control it is either the dog's on a leash on the property, it's in the house, it's within an enclosure, or it's within a wired fence. In this case, that's part of the uniqueness, you know, according to the Dog Ordinance, they have the wired fence. It just didn't operate that night. So, normally,

Potentially
Dangerous
Dog
Hearing

what we'd say is, 'Install a wire fence.' But the City can't go out and police that to make sure it happens. If we get neighbors that say that this is happening again, they're not maintaining their fence, and they come to the City, that's when the City will act on it.

Scott Snider stated we amazingly have to wait until somebody's bitten. Voss stated no, no, if you or another neighbor says the dog's running loose. Ronning stated what we're stuck with is the he said/she said and then try to filter through it. Voss stated no one's disputing what happened. Ronning stated something happened but was it aggressive. That's the point that you can't determine. Was it aggressive or not. Voss stated if a large dog is barking to anyone who's, I'll put it, I'm very comfortable around dogs, which is very few, a large dog barking is going to be aggressive to anyone.

Ronning stated they're going to be scary but not necessarily aggressive. Voss stated that's the same thing. You're scared because the dog could be aggressive. Ronning stated I think intimidation and fear is different than having a dog with the hackles up and the teeth snarling and all that stuff, a snarly bark. That's an attacking dog.

Scott Snider stated in the light of day I might have been able to see that. Ronning stated pardon? Scott Snider stated if it had been in the light of day, I might have been able to see that.

Voss stated the only thing that ticks me off about a large dog barking and running at you is, is his tail wagging faster than his jaw is barking. That's the only thing that tells me we're okay. And, I know how to deal with dogs and I'm still defensive around dogs. The fact that the dog ran aggressively down, it didn't stroll, it wasn't wagging its tail, it was barking and it was running. It doesn't need to show teeth. It doesn't need to be drooling. It, to some people it's not aggressive, I understand that. But, my guess is that to most people, that's a sign of people. Ronning stated that, again, is subjective. Voss stated well of course it is. Everything here is.

Ronning stated part of what we're supposed to consider is what the history of the animal is. What kind of actions it's taken, and such. And, there's no record of that. There's a record of somebody being upset, there's a report of someone being upset and incurred an injury while walking their dog and another dog came out, in some fashion, aggressive or not, to them. So now, what am I missing? Voss stated you're not. Ronning stated right.

Voss asked so what's your point? We've been asked to do something about the dog. Ronning stated all right, I don't see, I'm not seeing things that are saying that the dog was aggressive or did anything. The dog didn't do anything is what I'm hearing. Voss stated it can be interpreted by acting aggressively. Obviously, this person did. It left its containment. It left its property. Ronning stated yes. Voss stated a violation of an Ordinance in the least. Ronning stated we should give them a ticket. Voss stated that's an option and if we had an administrative powers we could.

Vierling advised that's one of the issues that you have. I think what the Council struggles with is there's really two issues of enforcement you have. One is the owner could be cited for having a dog at large, off the premises, without question. And, that would be a misdemeanor offense. They'd pay a fine and that would be the end of the issue. But what we're here tonight to deal with is whether or not the activities of the dog are risen to the level of being Potentially Dangerous, which has a different standard whether or not the dog was acting in an aggressive fashion so as to reasonably put fear in somebody that they're

Potentially
Dangerous
Dog
Hearing

under attack or are going to be under attack, at a minimum, on that type of thing. So, could you issue a citation, running at large, absolutely you could as a misdemeanor, without doubt. But the issue is do you find that the activities or what went on, on the scene was such as to rise to that level of being Potentially Dangerous. And that's where, I think, is the struggle.

Ronning stated that's kind of what I'm thinking. We're not here to determine anything other than did a Potentially Dangerous dog, there's a complaint by someone and there's an opposite party saying, 'No, it didn't happen.' The item to be considered is Dangerous Dog. And, I haven't seen anything that's to say that this is a Dangerous Dog that is a hazard to somebody in the public. I don't know how better to say it. That's what we're supposed to find. Well, I'm done.

Ken Sylvester asked can I say one more thing? What I've heard him say is he's just looking for some assurance. Just some thing that was left out. What has followed up? We had that dog about five or six weeks at the point of when that happened. We maybe didn't have the fence high enough but since then, we've turned it up very high. What we're also doing is switching collars on the animal and walking him out, taking the walk, coming back, putting a different collar on. But we've changed our training habits since this happened so it doesn't happen again. Once we switch the collar, we try to get him to walk out there so he knows he's back in the collar. He gets zapped, and quite frankly, he won't go to the end of it. But, there hasn't been a dog out there. It's part of our responsibility for maybe not training him correctly and we've taken great steps to try and fix that. That's all I wanted to add. Voss stated okay, thank you.

Voss asked is there any further discussion? If not, we'd like to entertain a motion by anyone. **Ronning stated I move to dismiss the Dangerous Dog.** I don't have any, it's a serious thing to say somebody's a Dangerous Dog. It can put the dog down, it can do a number of things. **I move that the dog not be considered Dangerous.** Voss asked is there a second to the motion? **Koller stated I'll second.**

Ms. Snider stated I just wanted to make one comment. When the whole situation occurred and the Police Officer came and was talking to the dog owner and talking to my husband and me, it was the Police Officer that said, 'Well, I have to file a Dangerous Dog Report.' And, I was surprised. I can't speak for anybody else. I was surprised and he said, 'We don't have a choice. This is what we need to do.' And so, I don't know that it was on any of, my husband's and my part to say, 'You know, that's a Dangerous Dog.' It was protocol. Voss stated you know, you're absolutely correct. That's what the Sheriff's Department has been instructed to do and then the discussion and decision of whether it's truly a Dangerous Dog is up to the Council.

Mundle stated well, if I can ask you one question. Yes, you stated that you were surprised that this form had to be filled out, it's protocol. If you had to make the choice to mark this dog as Dangerous, what would you do? Would you see it as a Dangerous Dog? Ms. Snider stated I've never seen this dog before so having said that, I would say, 'No,' because if it was just that situation, I guess I don't know because the dog was running and it was barking and it was a lot of confusion. But I was, like I say, I was surprised that was what protocol was for the Deputy. *(inaudible comment)*

Ronning asked would you have felt that something was wrong or hadn't been done if they didn't say they were doing a Dangerous Dog? If they had not made that statement that they

Potentially
Dangerous
Dog
Hearing

have to? Would you have requested it? Ms. Snider stated probably what I would have, if I had thought that it should have been, you know, if the Deputy hadn't said anything about it, and if I had thought it was questionable or maybe it should have been, I probably would have looked it up in the Statute.

Davis stated please keep in mind too that we're talking about a Potentially Dangerous Dog and not a Dangerous Dog. There's a very distinct difference in the two.

Ronning stated and during this whole thing, what's the right thing is to make sure it doesn't happen again, that the dog's contained. And if that's one of the remedies, that's one of the remedies.

Voss stated well, it's a remedy of the finding of a Potentially Dangerous Dog. Ronning stated no, the contained. If it's by the invisible fence. Voss stated we're discussing a motion of a negative finding of a Potentially Dangerous Dog. Ronning stated well, that's what the motion is. Correct. Voss stated okay, which doesn't carry any conditions. Is there any other discussion?

Mundle asked can the owners still be given a citation for a dog off the leash? Vierling answered yes. Voss stated and that's a whole different matter that's not before us. Ronning stated that's the misdemeanor. Vierling stated yes, it's not before Council. Davis stated and I think the basic question on the motion is should the determination be maintained, modified, or removed. Voss stated and the motion is to deny. Correct? Ronning answered correct. The motion is that it not be found a Dangerous Dog, I think that's what I said.

Voss asked Mark, to make sure we've got this clear. Vierling advised let's make the motion by for the Council to determine that the dog is not Potentially Dangerous. Because, that's what the issue is. **Ronning stated amend my motion to state that the dog is not Potentially Dangerous. Koller stated I will second.** Voss stated the motion is clarified and seconded. Any other discussion? Hearing none, to the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Voss stated thank you all for being here. Ronning stated those are hard things to deal with because everybody feels the way they feel.

4.0D
Sheriff's
Department
Report

Commander Shelly Orlando presented the December 2015, Sheriff's Report.

DWI's – There were three DWI arrests in December. Two of the stops were the result of driving violations being witnessed by a Deputy. One incident involved a suspicious occupied vehicle being called in. Deputy Nelson made contact with a female sitting in the front passenger seat and a male, sitting in the rear center seat with his legs extending into the front seat. The male admitted to driving the vehicle. The male appeared to be heavily intoxicated and failed field sobriety tests. The male did submit to a pbt, which indicated a blood alcohol content of .34. The male then began complaining of several medical issues and an ambulance was called to the scene. The male was taken to Mercy Hospital where he refused blood and urine tests for alcohol. Due to his medical issues, the male was issued a gross misdemeanor citation and released to the hospital.

Underage Drinking / Assault – On December 19th Deputies were called a residence on a domestic situation involving a juvenile female that broke into her parents' residence. The father advised that his daughter was not supposed to be at home as they were gone for the

4.0D
Sheriff's
Department
Report

weekend. He came home to find his daughter and three of her friends at the residence drinking alcohol and smoking marijuana. The father advised that he did have a handgun and it was out while he was confronting the group. He told the group to stay in the residence while law enforcement was called. They tried to leave at which time he did point his gun at an adult male and made him get back out of his vehicle. A CID Detective was called to the scene and conducted interviews of all involved parties. The male who was taken out of his vehicle at gunpoint did not want to pursue charges. The case was sent to the County Attorney/s office for review.

5th Degree Possession of Controlled Substance/ Driving after Revocation – Deputy Kvam conducted a traffic stop on a vehicle for having a headlight out. He found that the lone occupant had a warrant for her arrest and a revoked driver's license status. Upon completing an inventory search of the vehicle, Deputy Kvam located three pieces of tinfoil that contained methamphetamine. The female was transported to jail.

5th Degree Possession of Controlled Substance – Deputies were requested to respond to a location to see if a male was there. The male had a probable cause pickup for felony theft from Blaine PD. Upon arriving, the male was in the front yard. As Deputy Nelson made contact with him, he became nervous about something in his coat. A search incident to arrest was conducted and a glass pipe and a small baggie containing white crystals was located. The crystals tested positive for methamphetamine. The male was transported to jail.

Orlando stated speed sign, for all of you interested, we have some new technology, which is awesome. Instead of the big bulky speed trailer that had to come out in the morning and back in at night, had to be on the roadway, those days are over, I hope.

Speed Sign: We have a new speed sign, which can be utilized for speeding complaints. The sign is mounted on a post so it does not sit in the roadway. The sign is capable of collecting data that can be utilized to determine if there are speeding problems, what time the problems are going on, what the speeds are.

Orlando explained it can't give us a picture of who's speeding but it can give us a good idea on what times of day we should have some extra patrols in the area, that kind of thing. So, if you get any complaints about speeding going on in neighborhoods or, you know, places, you can contact me, let me know. Or else contact our office and make a request for the speed sign to be located. One of the kind of neat things about the speed sign is they put it out for, like a week, and it doesn't do anything. It's just, you know, something that's now on the side of the road. A little box. And what it's doing then is collecting data about what the speeds are. So after that first week, then they turn it so it will actually flash what speed you're going. I'm sure you guys have seen those.

Orlando stated so it will flash what speed you're going and it will, like I said, it collects a ton of data that we can then use to determine what's going on and when it's going on and that kind of thing. It doesn't give us like an exact speed but it's between zero to five miles over and five to ten miles, so increments of five or so. And we can tell you the times of days it's going on, the days of the week, you know, when it's happening. So, it's really, I think, going to be a useful tool and especially when Spring starts we do see a big rise in complaints of speeding in neighborhoods.

Voss asked how many of these units have you got? Orlando replied we have one but

4.0D
Sheriff's
Department
Report

Andover actually has their own that they utilize. Ham Lake also has their own. Voss stated I've seen them in Ham Lake. Orlando stated yup, and so Ham Lake and Andover, they actually have their public works that will go put it out, they'll collect data, and do things with it as they see. The Sheriff's Office only has one but it's much more user-friendly than what the speed trailers were. So I foresee us getting a lot of use out of it. And, unlike the speed trailers that we didn't collect any type of data from, you know, the times they were out, this we actually have a lot of data we can work with.

Koller stated so this one was on Jackson Street. Orlando stated it was on Jackson Street. Koller stated my son came home and asked if it had a camera. Voss asked and you told him yes? Koller stated no. Orlando stated and I was going to take a look at what those results were but, unfortunately, I ran out of time so I didn't get a chance to do it. Voss stated if you're smart, you put your Go Pro on top of it and say, 'Yes, of course there are cameras.'

Ronning stated interesting of how many people consider the effect, the physiological effect of it. Orlando stated well I think, when it's flashing your speed, you become much more aware of what speed you are going. I know that the plan is to put it in some of the school zones as well to see, you know, what's going on there. Especially when you're supposed to be going 35 or 25, or whatever.

Voss stated I would think the Deputies would have a good idea of what part of the City to start with. Orlando stated yeah. Voss stated Viking may be one of them.

Koller stated not to ask a bad question, but since it's a small portable unit, is there a possibility it could get stolen? Orlando stated I don't think so. Voss stated it's mounted right to it, a regular post. Orlando stated it's mounted on, yeah, a regular signpost.

Harrington stated Jack, I'd like to ask you a question here. I know it's down on the agenda a little bit, the speed study. Would something like this work out better than a speed study? No? Davis explained it wouldn't qualify. Mn/DOT has to do a speed study. Harrington stated oh, okay, because I know we're getting complaints from people. They think the speed limit's a little fast on 22.

Orlando stated yeah, we had a speed study done on 22. Voss stated a few years ago. Orlando stated but we can always put the sign up and see what's going on, you know, if people are speeding on 22 above the speed limit, which I'm sure there are a few.

Voss stated to me, if the Sheriff's Office is offering it, I think we should take them up on it. Orlando stated yes. Typically, we see a lot of the complaints, I do, coming in from the neighborhoods when it gets nicer out and people are out and about. This time of year, we don't get a lot of complaints called into our office, at least. Voss stated well, and folks aren't outside as much. Orlando stated right, but as soon as spring hits. Voss stated springtime when the sun's out. Orlando stated it might take a while, you know, depending on how many people are requesting it, it might be a couple weeks before you see it. But, it's a way better tool than what those speed trailers were for us.

Davis asked will your speed trailer be disposed of? Orlando stated I don't believe so. I don't know what the plan would be for that. Voss asked Jack, can you work with Shelly and find a location? Davis stated absolutely. Orlando stated yes, we definitely can get it on schedule to be wherever you guys need it. Voss asked any other questions of Commander Orlando?

4.0D
Sheriff's
Department
Report

Ronning stated there's a methamphetamine, couple drug charges in here. Do you have an opinion whether it's better? Worse? Same? Orlando stated I actually was talking to one of our Detectives this afternoon who happens to be kind of in charge of our Drug Task Force Unit and he told me that there's a lot of methamphetamine and it's coming. He said the price is down from, he used to run the Unit and then he was rotated out and now he's back in again. And, it's been about three years since he was in. So, he just recently went back into it. He said it's about 25% cheaper than three years ago when he came out and he said it's abundant. And I said, 'Why is that?' and he said, 'It's all coming up from Mexico and it's just saturated.'

Ronning stated so it's not improving, very likely. Orlando stated no, no. The making of it is not happening here like it used to. That was now, before the pseudoephedrine laws came into effect and all that. And then all the manufacturing is happening down, not all of it but a great percentage of it, is happening down in Mexico and then it's brought up here. So, unfortunately, there's a lot.

Mundle stated I do have to ask. There's a police audio clip that's been floating around Facebook that's about a certain incident at East Bethel Theaters right after a certain movie came out. I have to ask. Is that true? Orlando answered yes, that was a true audio clip. Mundle asked has anybody else? Ronning stated I haven't seen it. Mundle asked can you explain?

Orlando stated it came out as a report of a large group of people fighting at the parking lot at East Bethel Theater, which obviously is a call that many cars will respond to. I don't know how many were actually enroute there but I think there was like ten squads that were coming down. St. Francis was coming over. And then the first squad got there and I think he told everybody to slow down and hang on a minute and it turned out to be a group of Star Wars fans who, I think, had just seen the movie because it was like 11-something at night and they were having a saber sword fight out in the parking lot. And then there was something about, 'May the Force be with you.' Or something, I'm not quite sure.

Orlando stated it was a good outcome but we recommend you don't do those things. Like I said, we had, everybody was coming to this call and it can be... Voss stated something can happen. Orlando agreed and stated yeah, something can happen. Voss asked any questions from the audience for the Sheriff's Office? All right, thanks Shelly. Orlando stated all right, good night.

4.0E
Fire
Department
Report

DuCharme stated good evening again. We finished up 2015 with 548 calls. I just thought I'd take the opportunity just to summarize the year real quick. So, basically, on the average, East Bethel Fire Department responded to a call every 16 hours. Actually, the math came out to 15.99 hours. Our fire loss for 2015 was \$443,424 and basically every hour, that meant that \$50.62 was spent on fire loss throughout the year.

DuCharme stated if you take all of our calls and look at how many households we've got, every 7.5 households were... Voss asked 1 out of 7.5? DuCharme replied yeah, were visited by us. And, when you look at how many calls with our population, 1 out of every 21.24 residents needed our help.

DuCharme stated car crashes, every 15.21 days so every 15¼ days we were out on vehicle crashes. And, every basically 25 hours, we were sending somebody to the hospital. Either

through a vehicle crash of a medical call or something like that.

4.0E
Fire
Department
Report

Ronning stated interesting way to look at it.

DuCharme stated yeah, yeah, just a real quick snapshot. So, when you look at our total call volume compared to the past years, as I said, 548 calls in 2015 compared with 2014, 2013, 2012, and 2011. So, we were a little bit higher and we had discussed that, you know, throughout the year. This wasn't a record call. The record calls were 570 calls, I think, back in like 2007. Incidentally, that was probably tied to a lot of meth labs at the time. So, as you can see, we are trending upwards. I think that has a lot to do with our diversity in our community.

DuCharme stated when you look at the type of calls, our medical calls are by far the most calls that we go on. 64% is what they came out to be. And, you compare those just to fire-type calls, which are actually just 7%. The other calls make up alarm calls and things like that.

DuCharme stated so, this is kind of interesting. So, our average firefighter per call, 548 calls, there were 3,592 firefighter responses to those calls, so we ended up the year 6.55 firefighters per call. A little bit lower than a year ago and some of that might be because of the increase of the Duty Officers. So, when you look at it, there were 189 day calls, 80 Duty Officer calls when we send just one person out. And then you can see the Station calls. And, once again, 548 calls.

DuCharme stated here's the interesting stat if we can go to the next slide. So, if you were a day responder from Station 1, in 2015 you were responsible for 277 calls. Station 2 you can see the 270 calls. If you were a night responder from Station 1, they were responsible for 149 calls and Station 2 they were responsible for 145 calls.

Voss asked why is there such a discrepancy between day and night? I thought it would be just the opposite. DuCharme stated well, during the days, historically, we're higher on the calls. There's more day calls. And, we're talking Monday through Friday. Also, because sometimes we're tight on manpower, we run both Stations, respond to all the calls. So, we don't go to a single Station call out.

Koller asked what about Station 3? DuCharme stated Station 3 operates as part of Station 1. Koller stated okay. DuCharme stated we've done that for several reasons. Number 1, because we're actually building up the population of that station; and, Number 2, it just fits in better with our organization.

DuCharme stated once again, our fire loss, and actually we're doing quite well on our fire loss in 2015 until we had the multiple truck fires. But, \$443,424 compares to \$1,100,000 that we had in 2014.

DuCharme stated I just love this picture. One of the kids did this for us. So, that's a quick 'snapshot' of 2015 for you. In December, you know, once again we did run 44 calls and I put the response calls in your package. And, of those calls, 31 were medical related. Saw a lot of sick people and a lot of issues where we were transporting people or helping people that had illnesses or some other type of sicknesses.

DuCharme stated a couple things, mark your calendar. Saturday, January 30th, that's at

4.0E
Fire
Department
Report

Station 1, we're going to have a waffle breakfast and for \$7 you'll be able to eat as many waffles as you want. We're gong to start at 8 o'clock and go until 11 o'clock. The money that we raise is going to go to the Auxiliary and the Auxiliary uses that money to support its activities throughout the year. They support the main Fire Department in case we're out on long calls as far as refreshments and nourishments. So, if you can, please attend. Any questions? Mundle asked are the waffles delicious? DuCharme responded they are.

Harrington stated January started out kind of rough. They've had some chimney fires and a house fire in Oak Grove. I hope that isn't a continuing trend. DuCharme stated yeah, you know, here we are once again in the middle of winter and this is the most dangerous time if you're burning wood for heat or using your fireplaces.

DuCharme stated you can't say enough that you've got to have your chimneys in good working order. You've got to have them inspected. Have a chimney sweep come out and look at them and make sure you've got those smoke alarms going. If you didn't put new batteries in, we usually do it on daylight savings time and when we go back to standard time. But, if you haven't done that, put those batteries in. It's the same thing with your CO detectors. We get calls on those and the best thing you can do is early detection. The more smoke alarms you've got, the better. Any other questions?

Voss stated you seem to have a few firefighters behind you. DuCharme stated yes. Would you like to meet them now? Voss stated at your pleasure.

DuCharme stated these three gentlemen behind me have completed the qualifications to get off their probation. A year ago, you approved their hiring. They have spent hundreds of hours in training, Firefighter 1, Firefighter 2, Emergency Medical Responders, which used to be the First Responder but now they call it EMR, and have been responding to calls. Very valuable members of our Fire Department. So, Ron Lammert, Kyle Howard, Nathan Fish. If I may say, Nathan is the brother of one of our other firefighters so it must be in the family. On the Consent Agenda, we're asking Council to approve these three men to come off of probation.

Voss stated well, it's nice meeting you all. Thanks for being here. Okay, thanks Mark. Ronning stated thanks for what you guys and your Department do. Harrington stated thanks for volunteering.

5.0
Public
Forum

Davis asked is there anyone signed up? Davis replied no one signed up. Voss stated if you are here tonight to speak before Council at Public Forum, this is your time to do so. I don't see Kathy moving so we'll move on.

6.0
Consent
Agenda

Item A Approve Bills

Item B January 6, 2016 Council Meeting Minutes
Meeting minutes from the January 6, 2016 City Council Meeting are attached for your review.

Item C Resolution 2016-07 Permanent Fund Transfer
The City set up Fund 588 in order to track the 224th Avenue / Durant Street construction project. At December 31, 2015 the special assessments have all now been collected. Staff is recommending remaining funds be transferred to the General Fund and fund 588 be closed as of December 31, 2015.

6.0
Consent
Agenda

Item D Resolution 2016-08 Permanent Fund Transfer

The City set up Fund 303 in order to pay all debt associated with the 2005B bond issue. The final bond payment for the 2005B bond payment was completed on January 6, 2016, leaving the fund with \$1,127.39. Staff is recommending transferring these remaining funds to the General Fund at December 31, 2015.

Item E Approve Date For Spring Recycle Day

Staff recommends that April 23, 2016 be set for the Spring Recycle Day. This event will be held at the City Ice Arena between the hours of 8 AM to Noon.

Item F Resolution 2016-09, Sylvester Right-of-Way Dedication

The City's Service Road Plan includes a segment on the east side of Hwy. 65 that would connect 221st and 215th Avenue. This section was scheduled to be constructed in 2012 but the project was indefinitely postponed due to right of way issues with one of the property owners affected by the road alignment. The City now has the opportunity to receive a portion the right-of-way for this road as a dedication in lieu of assessment. Staff recommends the approval of Resolution 2016-09, accepting the right of way dedication in lieu of assessment of road construction costs to the Genevieve T. Sylvester Family Limited Partnership.

~~Item G Approving Resignation of Firefighter~~

This item was removed from the Consent Agenda.

Item H Approving 2016 Fire Department Policies and Guidelines

East Bethel City Code Chapter 2, Article VI, Division 3 pertains to the Fire Department. City Code requires the Fire Chief to prepare Standard Operating Guidelines (SOG's) that include policies and procedures for operating activities in the Fire Department.

Over the past year, a Fire Department committee consisting of the two District Chiefs, Deputy Chief and Fire Chief have been working on the update of the SOG's. The purpose and intent of the SOG's is to establish a uniform set of operating procedures for firefighters of the East Bethel Fire Department based on a number of differing activities.

The main updates include the 3-year terms of District Chiefs, Captains and Lieutenants. This is a change from NO terms. This will allow more Firefighters to be interested in joining the leadership of the Fire Department. Definitions have been updated, including "Good Time and Bad Time".

Items highlighted in yellow are additions and red text with strike outs have been eliminated.

The last update was May 19, 2010. Position descriptions have not changed.

~~Item I Approving Firefighter Completion of Probation Term~~

This item was removed from the Consent Agenda.

Item J Supplemental Payment Summary

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. I'd like to pull Items G and I. Mundle stated I'll second. Voss asked any other discussion? All in favor say aye? **All in favor.** Voss asked any opposed? Hearing none, that motion passes.

Motion passes unanimously.

6.0G
Approving
Resignation
of Firefighter

It was noted that Paul Bermudez has submitted his resignation as Fire Fighter with the City of East Bethel. Paul has served the City as a Fire Fighter for ten years. Paul has been a great asset to the City of East Bethel, the East Bethel Fire Department and our community.

Harrington stated I got a letter here, this is from Paul Bermudez, retiring after ten years. He says:

‘To my friends at the East Bethel Fire Relief Association, this letter serves as my official letter of resignation from the Department. Being a member of this organization has been a big part of my life and it is the time that I will never forget. Serving with you was an honor. Thank you and God bless.’

Voss stated thank you for pulling it out of the Consent Agenda too.

6.0I
Approving
Firefighter
Completion of
Probation
Term

It was noted the following Fire Fighters have completed their one-year probation and met all qualifications for active status: Nathan Fish, Kyle Howard, and Ron Lammert. The Fire Chief recommends that these Fire Fighters be appointed as active Fire Fighter Status as of February 1, 2016.

Harrington stated Item I, I think Mark has kind of taken care of Item I already. I just wanted to say congratulations to the three gentlemen down there and, like I said, thanks for volunteering.

Harrington stated I’ll make a motion to approve Item G and I. Mundle stated second. Voss asked any discussion? All in favor say aye? All in favor. Voss asked any opposed? Motion passes unanimously.

Voss stated again welcome, officially, to the Department. *Those in attendance offered a round of applause.*

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
Planning
Commission

None.

7.0B
Economic
Development
Authority

None.

7.0C
Park
Commission

None.

7.0D
Road
Commission

None.

8.0 Department Reports

8.0B None.

Engineer

8.0C None.

City Attorney

8.0D None.

Finance

8.0E Davis presented the staff report, indicating the cities of Coon Rapids, Andover, Anoka, Brooklyn Center, Columbia Heights, Ham Lake, Mahtomedi, and Fridley entered into a Joint Powers Agreement (JPA) on February 1, 2005, for the purpose of collective bidding certain street maintenance services. The North Metro Street Maintenance Program JPA allows smaller cities to achieve more economies of scale in the bidding process and potentially achieve lower bids from contractors for crack sealing, seal coating, striping and other street maintenance services. The City East Bethel joined the group in February 2008.

8.0E.1

2016 JPA

Projects

The City of Coon Rapids is the lead agency by the Agreement for this group. As the lead agency, they draft the specifications, solicit bids and provide the necessary documents for member cities to sign to participate in the program. The Agreement is structured such that it permits each member city to accept or reject the bids for their portion of the proposed contract. Each city will pay the contractor directly for their share of the work and contracts will be awarded separately for the various items.

The City of East Bethel has realized savings of up to 20% over previous costs for these services through participation in the JPA Street Maintenance program.

The following projects are recommended to be bid as part of the 2016 JPA Street Maintenance Program. These projects have been identified in the 2016-2020 Street Capital Improvement Plan by the Roads Commission and approved by City Council on May 6, 2015:

1. Crack-sealing 50,000 linear feet as part of the annual Street Maintenance Program; and,
2. 150,000 linear feet of striping as indicated on the attached map in your packet.

The estimated budget for seal coating, crack sealing, and striping the above listed streets is \$45,320. These projects will be funded from the Street Capital Fund as identified in the Capital Improvement Plan and the 2016 Street Maintenance Budget.

Staff recommends consideration of the proposed City projects for bidding as part of the 2016 North Metro Street Maintenance Program JPA. Bids for the work will be presented to City Council for final approval at the March 16, 2016, meeting.

Mundle stated make a motion to approve the listed projects to be bid as part of the 2016 North Metro Street Maintenance Program JPA, Street Maintenance Projects. Harrington stated I'll second. Voss asked any discussion? All in favor? Four in favor (Ronning absent for vote). Voss asked opposed? Hearing none, that motion passes. Motion passes. Voss stated I just want to note that Tom stepped out.

Ronning returned to the Council dais.

8.0F
Fire
Department

None.

8.0G
City
Administrator
8.0G.1
Set Date for
Spring Town
Hall Meeting

Davis presented the staff report, indicating the Spring Town Hall Meeting has been held since 2005. The meeting is generally held in April and is proposed for a date that doesn't conflict with any other municipal or School District meetings. Staff has reviewed and found there to be no conflicts with the evening meeting schedules for ISDs #15 and #831 in April 2016. With the exception of April 6th, April 13th, April 12th, April 20th, April 18th, April 27th, and April 26th the remainder of the calendar for April is open.

In the past, the Question and Answer/Public Forum presentation in Council Chambers has focused primarily on citizen questions for City Council. This meeting presents a valuable opportunity for residents to express concerns and present questions to City Council, staff, and other officials in both a formal and informal setting. As part of the program, it is also recommended that City Council Members present information relative to their Committee/Commission Liaison assignments.

We need to set the date for this meeting so we can place the notice in our Spring Newsletter. The Newsletter will be sent to the printer on or before February 19, 2016, and distributed to City residents by the first week of March.

Staff is requesting that City Council set a date in April for the Spring Town Hall Meeting. The most appropriate dates at this time appear to be Thursday April 14th, Tuesday April 19th, Thursday, April 21st, Tuesday, April 26th, or Thursday, April 28th.

Mundle stated you're giving us way too many choices there Jack. Voss stated I have no conflicts, which is, like, incredible. Harrington stated the only thing with April 26th, isn't that when Planning and Zoning meets? Don't they meet the fourth Tuesday? Mundle stated yeah. Davis agreed, stating yeah, that is a conflict. Good catch. Voss stated so a conflict on the 26th, okay. Harrington stated Planning and Zoning meets the fourth Tuesday of the month. Davis stated so essentially we have three Thursdays open, the 14th, the 21st, or the 28th, or Tuesday, April the 19th.

Voss stated I'll suggest the 19th only because Brian and I are going to be in meetings the Monday and Wednesday after so we might as well make the 'trifecta.' Mundle replied thanks Steve. Yeah, I'm okay with it. Voss stated that would be my suggestion. Koller stated the 19th. Ronning stated they're all okay with me. Harrington stated yup. Voss asked Tuesday the 19th? Koller stated fine with me. **Ronning stated move to set Tuesday, April 19th, for the Spring Town Hall Meeting. Harrington stated I'll second.** Voss asked any discussion?

Voss asked are we going to discuss, at some point, at a Work Meeting, if you want to change format or however you want to present things? You know like last time we had elected officials here? Davis stated we can certainly do that either at the next Council meeting or at the next scheduled Work Meeting.

Voss stated okay. When's the newsletter go out? Davis replied the newsletter will go out, the residents will receive it probably around the first week of March. Voss asked when does it go to print? Davis replied we'll send it to the printer around February the 19th. Voss stated so we have a couple meetings before then, okay. Davis stated we do and that's still a little bit flexible. We could even move that back a week, if necessary. We just want to make sure that we get the notices out for the Pet Clinic, the Spring Recycle Day, and the

Town Hall Meeting.

8.0G.2
Set Date for
BR&E
Commencement

Voss stated okay and asked any other discussion? To the motion, all in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.** Davis presented the staff report, indicating the Council is requested to consider approval of a date for the Business Retention and Expansion Program Commencement Meeting

The culmination of the Business Retention and Expansion Program (BR&E) is a community commencement meeting. This meeting provides the opportunity for the City to recognize the completion of the BR&E Visitation Program and the beginning of the implementation stage of this program.

The proposed meeting agenda would be as follows:

1. Program Introduction
2. Review of the Purpose and History of the Program
3. Testimonials from Business Representatives and Program Accomplishments
4. Presentation of Strategies and Survey Results
5. Closing Remarks

Attendees at the meeting will include local businesses that participated in the interview process, program leadership, Task Force and Interview Members, and local elected officials. Due to the anticipated length, which could be up to an hour and a half, and importance of this presentation, it would be appropriate to schedule this as a Special Meeting to ensure that ample time is devoted to this matter. This would be the only agenda item proposed for this meeting

Staff is requesting that City Council call and set a date for a Special Meeting on April 27, 2016, for the Business Retention and Expansion Program Commencement Meeting.

Mundle asked did you check with the BR&E members to make sure that will work? Davis stated this is the date that they recommended. They wanted to have it either the last of April, the first week of May, preferably the last week of April.

Ronning asked do they have a time to include in a motion? Davis stated we can make that at your convenience. Voss noted this is actually the night of a scheduled Work Meeting. Davis stated that's correct. That would be the night of a scheduled Work Meeting.

Ronning stated move the Special Meeting date on April 27, 2016, for the purpose of the Business Retention and Expansion Program Commencement Meeting and time to be forthcoming. Mundle stated I'll second. Voss asked any discussion?

Voss stated I'd suggest we don't do it any earlier than 7 o'clock just because there's so many people. Voss stated there's going to be so many people that work and then if there's businesses that want to be there, it's after business hours. Are they looking for a time too? Are we looking for a time now? Davis stated I think 7 p.m. would be appropriate. I don't think they would have any objections to that. Voss stated okay.

Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? Motion passes. **Motion passes unanimously.**

8.0G.3
LBA&E
Training

Davis presented the staff report, indicating per Minnesota Statute 274.014 at least one voting member of each Local Board of Appeal and Equalization (LBAE) must have attended a training course within the last four years. Our local LBAE, which is the City Council, hears all appeals for property tax objections and requests for adjustments at an annual Local Board of Appeal and Equalization meeting. This year's LBAE meeting is proposed for April 20, 2016, at 6:00 p.m. at City Hall.

8.0G.3
LBA&E
Training

The Minnesota Department of Revenue provides the training for those LBAE members who require certification. Traditionally, the City Council has selected two Councilpersons, who have the majority of their terms remaining, as the City's designees for the training. Councilpersons Koller and Ronning completed the training in 2014, and are certified until July of 2018.

The Local Board's duties will be transferred to the County for the current year's assessment if the training is not completed, or if trained members are absent from the LBAE meeting.

Online training is available via the Department of Revenue's website until February 1, 2016. Members are required to register before taking the training. It is recommended that Council Members register for the training no later than January 22, 2016. After February 1, 'catch-up' training will be made available and this schedule will be announced in March. It is recommended that Councilpersons Tim Harrington and Brian Mundle attend the training. Upon completion of the course, their certification will be valid for four years.

Staff requests that City Council designate Councilpersons Harrington and Mundle as the Councilpersons for the required LBAE training.

Ronning stated move to designate City Councilpersons Tim Harrington and Brian Mundle as the Councilpersons for the required LBAE training. Ronning asked date? Mundle stated I think it's on line. Voss stated yeah, so there's no date. Davis stated we'll get you signed up and registered. Voss asked is there a second to the motion? **Koller stated I'll second.** Voss asked discussion?

Voss stated I assume both Council Members are good with that. Because, I'll say, I did not make that recommendation so don't point at me. Mundle stated no, that's fine. Ronning stated it was a lot more interesting than I expected. Much more. We had some representatives from the State Office, I think. Harrington stated yeah. Mundle stated you'd almost have to be, it would almost have to be more interesting than you'd think learning about taxes would be.

Harrington stated if you don't get the on-line, they will have it somewhere in the area where you can. Davis stated that is yet to be determined. Normally they do but where it is, is dependent on where they schedule it. Two years ago, I think it was fairly local. Where did you go? Koller replied Cambridge. Davis stated but it could even be in Brooklyn Center or somewhere. It just depends on what their schedules are. Harrington stated okay.

Mundle asked is this just an on-line training that you go to a website and watch it? Davis stated I would recommend that you do the on-line because we won't know the other schedules until March. And, it's probably a couple hours and that takes care of it and you do whatever's required and you get your certification.

Voss stated my guess it's probably like a webinar. Davis stated yes. Voss stated it's probably not just looking at slides. It's presentation and stuff. Mundle stated presentation but would it be, you can go there any time? Davis stated yes, it's 24/7. You can go at your convenience. Mundle stated so it's a pre-recorded. Voss stated yes, it's a webinar that's

pre-recorded and you can watch it and stop it, you know. Davis stated we'll go ahead and get you registered so if you want to do the on-line, then it will be available to do at your convenience then. Mundle stated yes, that would be great. Just send me an e-mail when I'm registered. Davis stated okay, will do.

8.0G.3

LBA&E
Training

Voss stated to the motion, all in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

8.0G.4

Jan. 27, 2016
Work
Meeting

Davis presented the staff report, indicating should Council provide direction to hold the January 27, 2016, Work Meeting, an agenda will need to be set. The following items could be proposed for discussion:

1. Audio Visual Equipment Replacement

Davis stated we are attempting to get a presentation from the lowest priced vendor who submitted a proposal. That vendor cannot be present at that time but can be present for a February presentation.

2. Gambling Ordinance

Davis stated also we discussed about changing the requirements for our Gambling Ordinance as far as our gambling tax. We did not get all the full presentation of the reports from all the four locations or the four entities that conducted lawful gambling within the City until today.

Davis stated I will tell you that of the reports that we have, we have two options. The current one, we currently use, is we collect 3% of the gross receipts as our gambling tax. That money is very restricted and essentially is used to actually enforce the City Ordinance for lawful gambling. And, we use it to pay down on the Sheriff's Department.

Davis stated the other option is to change our Ordinance and we can require a 10% tax of net receipts. There's more flexibility in how you use the forms. Unfortunately, though, gross receipts run, probably 6 to 7 times more than the net receipts or the profits. And, I've just done a rough calculation and we'd be losing at least half the revenue we receive if we go from the 3% to the 10%.

Voss asked half? Davis responded at least half. Voss stated that's why we wanted to make sure we ran that analysis. Davis stated yes. And what we'll do, though, I will compile all this as data so we'll have the exact numbers. So, if we do want to take a look at it we can but the preliminary results are pretty indicative that we would lose a substantial amount of revenue. This year we collected, probably, close to \$22,000 in our gambling tax and based on these numbers, that would be reduced down, probably down to \$10,000 or \$11,000 next year if we change the ordinance.

Davis stated so, based on that, I would recommend we set a Work Meeting for February or bring this up at a February meeting so we can receive the AV proposals or any other items that we would have on the agenda or a Work Meeting. Voss asked so those vendors can make the scheduled February Meeting? Davis responded correct.

Ronning stated there's kind of a standing policy about the Work Meeting. Do we need a motion to 'cement' the thing? Vierling advised the request is to set the agenda for it. Your Work Meetings are already set, I believe, by motion. Ronning stated right. Vierling advised so you're just setting the agenda, is what you're doing.

Davis stated yes, the Work Meetings are already scheduled. What we would do, in this case, the agenda items that we would normally discuss at this meeting would be best postponed. One of them does not appear to be a viable option. My recommendation would be to cancel the January schedule for the Work Meeting unless there's other items that you wish to discuss and have the meeting with.

8.0G.4
Jan. 27, 2016
Work
Meeting

Voss asked is there any desire to have any other items discussed at the next Work Meeting? **Ronning stated move to place Audio Visual Replacement and Gambling Ordinance on the schedule for the next Work Meeting, January 27, 2016.** Koller stated no, move it to February. Harrington stated cancel the January one. Ronning stated okay, **amend it to February. Koller stated I'll second.** Voss asked any other discussion? All in favor say aye? **All in favor.** Voss asked any opposed? **Motion passes unanimously.**

Voss stated and now to cancellation of the next Work Meeting. **Koller stated I'll make a motion to cancel the next Work Meeting scheduled January 27, 2016. Ronning stated second.** Voss stated moved and seconded, all in favor say aye. **All in favor.** Voss asked any opposed? **Motion passes unanimously.**

8.0G.5
Feb. 3, 2016
Council
Agenda

Davis stated I've got one more item and that's Item 8.0G.5, February 3, 2016, Council agenda. Staff is seeking recommendations from City Council if you have any agenda items you would like to see placed on this agenda, please let me know.

Mundle asked is there any news from the Ice Arena? When they'd be able to come in and give a report? Davis stated the Ice Arena is going to be scheduled for this next meeting. There'll be several items from the Planning Commission with some CUPs and some sketch plats. Also, there'll be an item, Contract Negotiations for the New Union Contract and Potential Right-of-Way Acquisition for a Closed Session.

Voss asked did you say 'sketch plat?' Davis replied yes. Voss stated wow, that's exciting. We haven't seen a sketch plan in a while. Davis stated unfortunately it's not for a subdivision though. But, it is progress in the right direction.

Davis stated so if you have anything that you'd like to see on the agenda, let me know.

9.0 Other
9.0A
Staff Reports
9.0A.1
Speed Study
on County
Road
22/Viking
Boulevard

Davis stated I gave everybody a handout earlier that included two maps, one with a big yellow streak across from it and another traffic count map. As a result of the tragic accident on Viking Boulevard on January the 12th, the Anoka County Highway Department has received several individual requests for a speed study on County Road 22/Viking Boulevard.

Davis stated as you know, we requested a speed study for Viking Boulevard east of Highway 65 in East Bethel to the intersection of Lexington or Coon Lake Drive in 2013. Actually, it was in 2012 and was concluded in 2013. The results of that speed study, which covers this area in yellow, indicated that there was no basis for lowering the speed limit. The only portion of 22 in East Bethel that wasn't covered is this little shaded circle, which is a quarter of a mile and it's from EJ's to the Linwood line. The accident that happened on January the 12th occurred approximately one-quarter mile past the Linwood/East Bethel corporate limits within the Township of Linwood.

Davis stated Anoka County Highway Department wants to know if the City of East Bethel wants to participate or request a speed study on the portion that wasn't included in the previous study, which is a quarter of a mile. In all likelihood, the results of that study would show that there's no basis for lowering the speed limit but I just want to be able to respond back to them.

9.0A.1
Speed Study
on County
Road
22/Viking
Boulevard

Voss asked what do they need, is there anything they need from us? Davis replied no, they just want to know if we want to participate in it. Voss asked what stretch of Viking are they going to do the speed study? Through Linwood? Davis explained they would do it and the East Bethel portion would be Corner Express to the corporate limits and then going through Linwood. I don't know what the terminus is on the eastern side of 22.

Davis stated if you'll look at the other map, you'll see the breakdown of the speed limits. It's 55 up to County Road 74 and then from 74 around the Linwood Market and up to, past the elementary school/church, it's reduced to a 50 mile an hour speed limit. From that point on, it becomes 55 miles and hour until you enter Chisago County and the City of Wyoming.

Davis stated where the terminus of the speed study would end in Linwood, they didn't indicate that. But, they were interested in if we wanted to add that one little segment of Viking Boulevard in a speed study should they do one for Linwood.

Voss stated I just think it's odd that when they did the study two years ago, they didn't do that little segment. But, if they're going to do Linwood, why have a data gap? I would say we do it. That's my opinion. And, if it's not really physically the City doing anything. Davis stated the City doesn't do anything. Voss stated except make the request. Davis stated yes, nor does it cost the City anything.

Ronning asked you need anything? A response to that? Davis stated we need to do it by motion. **Mundle stated make a motion to approve the speed study for 2016 on Viking Boulevard. Koller stated I'll second.** Voss asked any discussion? All in favor say aye. **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

9.0B
Council
Report –
Member
Mundle

Mundle stated I went to the Sunrise River Watershed Management Organization meeting on the 14th and it was very exciting. Quick once over of it, they got the audit back. There was no findings on the audit. That will come in front of us next meeting to be voted upon. Then it will be sent to BWSR after that. And, we voted to contribute \$5,000 to Ditch 20 Feasibility Study. It's a ditch that's in Isanti County, comes out of Isanti County into Typo Lake and it is supposedly one of the biggest contributors to the phosphorus in Typo Lake. And, so, the ACD was going to do the study no matter what and the study will come up with projects to be done on Ditch 20 for future projects.

Mundle stated there's an update on the carp barriers. They are being installed on Typo Lake and Martin Lake and they are very much behind schedule. They were supposed to have been completed by October 15th. Since then, liquidated damages have been building up at \$500 a day. They figure there's about six to seven weeks left of construction. They had a meeting. ACD met with Linwood and the contractor and the subcontractor and they discussed a timeline and what will be going on with the liquidated damages because the liquidated damages would not be paid out to the cities. It would be paid back into the grant because the carp barriers were mostly all grant funded. And, so, all the money will go back to the Grant and not to the cities to be compensated for. They are trying to negotiate and work out a deal of certain extras that were done, would be paid out of the liquidated

damages and an extended warranty would be paid out of the liquidated damages.

9.0B
Council
Report –
Member
Mundle
Council
Member
Koller

Mundle stated then they presented a 2017 draft budget. There's some discussion on it and some changes are going to be made and we'll see it again at the next meeting.

Koller stated well I attended the Road Commission and as we discussed earlier, the Superstreet Intersection recommendations, we presented to Council. And then we started discussing the gravel road situation in East Bethel about getting them maintained better or possibly starting to pave them.

Council
Member
Ronning

Ronning stated I attended the Park Commission and they reviewed their finances. They considered and approved Soderville-Blaine Athletic Association softball/baseball fields for 2016. The maintenance cost is \$6,500 annually. Current fees for those fields will pay the \$6,500.

Park
Dedication
Fees and
Construction
of Trails

Ronning stated one of the things, this is comment more than I guess report, they're, you've heard it before, and I know I've heard it, that they're discouraged about the funding. What did, we've got \$144,000 transferred from them or something? That's my recollection. Davis stated no, that was from the Trails Fund. Their transfer from the City, it's been gradually reduced in the last four years from \$100,000 a year to \$50,000 last year. We did increase that by 10% this year. Hopefully, incrementally, trying to bring that up to the previous levels of funding.

Davis stated also, they've suffered too from collection of developer's fees for park fees since 2009 because, essentially, development hasn't happened that required developers to pay these fees. So, from a funding standpoint, they've had their transfers reduced but they were increased this year for the first time since 2010. And, you know, hopefully we'll be able to collect starting this year some more park fees from development. So, I certainly sympathize and understand their concern and we just hope to see those funding levels increase as we 'go down the road.'

Ronning stated if I understand correctly, they have funds, they expect funds in the future. And then the past ones have been transferred to the General Fund? Davis stated yes, the only thing we did, we had a Trails Fund of \$144,000 that we did transfer to a Special Account to pay off the 2010C bond. As you recall, we approved the payments for that at the last Council meeting in the amount of close to \$660,000. That bond will be paid off next year and the proceeds from that Trails Fund will enable us to do that. As far as the Parks Funds, we did not transfer anything to be used for bond payments. However, their allocation, their annual allocation or transfer from the General Fund was reduced, or has been reduced by half in the last four years. But, that did increase by 10% this year. Ronning stated okay, so thank you.

Voss stated I'd heard a while back from a couple of Parks Committee Members that they were going to start discussing trails again in terms of short connector trails. Was there any discussion at Parks about that? Ronning stated yeah there was. It's a short little jog, I think, from here I believe.

Voss asked so they have one in mind now? Ronning replied yeah and there's another one that they're proposing, like as a, seems to me it's a cross-country skiing sort of thing. But,

there was a person there that, it would go past his yard and they're concerned about problems with people. It creates a route into and out of properties, to some extent.

Park
Dedication
Fees and
Construction
of Trails

Voss stated so, right now, there is no funds in the Trails Account, correct? Davis replied no. Voss stated and so is it Park's plan to propose something to Council so that it can be funded for next year? Because the budget cycle is, we're going to start budgeting here in the next couple of months. Is that what the Park's intent is? Ronning stated I'm not certain. I don't believe so.

Davis stated I think, probably, as we develop their Capital Improvements Plan that there would probably be something put in there for that or at least we can incorporate some of these smaller projects. Not exclusively be paid from the Trails Fund, but as a Parks Capital Improvement. And, the one that I think they discussed was the one that we discussed with the gentleman after the last Town Hall Meeting that would connect 225th to Yancy Street and then allow those neighborhoods to come directly into Booster East Park. Voss stated right. Davis explained without having to go Bataan down 221st and the circuitous route. Voss stated okay. Davis stated because the City does own some right-of-way already that connects those neighborhoods.

Voss stated I think the whole thing's owned, the whole alignment was owned. We looked at that many years ago. Davis stated yes, there's a connector street and then you could use existing streets. So, it would be a relatively inexpensive project. It would connect a couple neighborhoods that have some substantial density.

Voss stated I guess my question would be for Park's next meeting is just to see what their intent is. Ronning stated sure. Does anybody have an answer? Some people say that nobody uses the trails. The Park Commission said that they have a lot of compliments on the trails and questions about the next ones and etc., etc.

Voss stated well, we don't have a whole lot. The one I know is from Booster up to 224th, which is what, a couple hundred feet? Davis stated probably the total length, because it goes from the pavilion out here at the parking lot, it's probably closer to 700-800 feet. It's still not substantial.

Voss stated you joke because it's so short and I know, just from over the years of talking to residents in those neighborhoods, they use that because that's how they get to Booster Park. Ronning asked that's the extent? Davis stated as far as trails that we maintain, that's essentially, we also have a 0.6 mile loop around Booster Pond, which is used quite heavily. There's a lot of people that use that that walk quite a bit, even in the wintertime. That one is used very heavily. The other trails that we have are over around Fish Lake in Cedar Creek. There's about a three-mile trail around most of Fish Lake and that's basically the extent of our trail system. Ronning stated it doesn't sound bad.

Voss stated that's kind of one of our least known. It's a beautiful area if you ever go for a nature walk, you wouldn't think you're in East Bethel out there. And, maybe some day we'll have trails over in Sandhill. Davis stated yes, and that's the one thing that, hopefully, I want to try to get the Parks Commission meeting and go over that with them again. We need to start bringing it up. I haven't heard anything back from the County on that proposal but that's one thing we definitely want to try to see if they can reopen and resubmit that to the PCA for funding for this year, at least for 2017.

Voss stated on the subject of trails, I've always kind of had this position. We don't need long trails. We need short connectors between neighborhoods that are disconnected. We have so many neighborhoods that are disconnected that people can walk between if they just had a couple hundred feet of a trail. And, it's amazing what, because a lot of people walk at night, you know, you get to know other neighbors now and it's connecting neighborhoods to neighborhoods. It's not 'spider webbing' the City, it's just these little short connectors.

Park
Dedication
Fees and
Construction
of Trails

Davis stated there is one other potential project there and that's the City does own some right-of-way that connects, I believe it's 235th Avenue to John Anderson Park, which then open up onto Jackson Street that has a paved shoulder, which you can go to Bonde Park and connects three or four neighborhoods that way. The length of that trail, again, would be relatively short, probably 700-800 feet but it would be a good connector link.

Voss stated I don't know how the rest of the Council feels but it would be nice to see some movement on that. They're small investments that I think make big impacts. Connecting neighborhoods is a big thing, even in a City as spread out as we are.

Council
Member
Harrington

Harrington stated I too attended a couple Fire meetings, the days and the afternoon guys. I'll tell you what, that's going to be a real learning experience and I'm looking forward to it. These guys go through a lot but I think it's going to be a good learning experience. I have my first Joint Powers meeting next week and looking forward to that.

Harrington stated I'd just like everybody to know that the outdoor hockey arena is now open. It has ice. The warming house is now open.

Harrington stated just a reminder the Fire Auxiliary has their Waffle Breakfast on the 30th, 8 to 11. It should be good.

Mayor Voss

Voss stated well, you stole my only thing, the Waffle Breakfast so hope to see everyone there.

9.0C
Other

None.

**10.0
Adjourn**

Mundle stated make a motion to adjourn. Koller stated I'll second. Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? Meeting is adjourned. **Motion passes unanimously.**

Meeting adjourned at 9:17 p.m.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.